

## **REMARKS**

The present Amendment amends claims 2-4, cancels claim 1 and adds new claim 5. Therefore, the present application has pending claims 2-5.

Claims 1-4 stand rejected under 35 USC §102(b) as being anticipated by McWhirter (U.S. Patent No. 4,477,848). As indicated above claim 1 was canceled and dependent claims 2-4 were amended to depend on new claim 5. Therefore, this rejection is rendered moot. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Applicants submit that the features of the present invention as now more clearly recited in new claim 5, from which claims 2-4 now depend, are not taught or suggested by McWhirter whether taken individually or in combination with any of the other references of record.

The present invention is directed to an information management apparatus including a receiver which receives main information, a recorder which records the main information on a recording medium, a main information reproducer which reproduces the main information on the recording medium, and a reproduction management means for managing the main information reproducer.

Further, according to the present invention the reproduction management means is provided with a reproduction disabling means for disabling operation of the main information reproducer. The reproduction disabling means includes decision means for deciding whether the reproduction disabling function of the reproduction disabling means is normal, and a reproduction start refusing means for refusing a reproduction start command requesting start of an operation for reproducing the main

information, when the decision means decides that the reproduction disabling means is abnormal.

The above described features of the present invention as now more clearly recited in the claims are not taught or suggested by McWhirter whether taken individually or in combination with any of the other references of record.

McWhirter teaches an apparatus for recording an audio message onto a recording medium and playing back the audio message according to a manner such that it is established whether the message being played back is an authentic reproduction of the originally recorded audio message or not. In McWhirter apparatus is provided for producing a first data signal indicative of the audio message and recording it together with the audio message to aid in authenticating the original audio message as recorded. As per McWhirter a second data signal is produced indicative of the playback message and the second data signal is compared with the first data signal to establish whether the playback is an authentic reproduction of the originally recorded audio message.

McWhirter further teaches that the signal being recorded is fed through a frequency shift key encoder 12 which converts the serial output data into two frequency representations with the first frequency representing "0" and the second frequency representing "1". Those of ordinary skill in the art would readily recognize that this is not the scrambling of the original signal but is simply the normal conventional method of converting a serial electrical signal to the equivalent representation of a digital signal that is recorded onto a tape.

McWhirter even further teaches that an indicator is set on the tape prior to the recording of information on the tape so as to indicate when the tape has

been used. This indication as per McWhirter is intended to help avoid subsequent recordings of information over the information already recorded on the tape. McWhirter teaches that upon detecting the indicator is disabled. Thus, in McWhirter the encoder rather than the information recorded on the tape is disabled. Therefore, McWhirter simply teaches, as is conventional, a method to prevent the recording of data over previously recorded material.

It is quite clear from the above that McWhirter does not teach or suggest the scrambling of the transmitted signal according to a key code and the recording of the scrambled transmitted signal on the recording medium as in the present invention. McWhirter simply teaches the conventional encoding of 1's and 0's representing digital data onto a tape.

Further, it is quite clear from the above that McWhirter does not teach or suggest that the scrambled transmitted signal, upon being reproduced from the recording medium, is then descrambled and output along with information to restrict it's copying and that the main information recorded on the recording medium is disabled after having been reproduced as in the present invention. According to the present invention the main information is scrambled and then recorded onto the recording medium. In the present invention the recorded main information is descrambled using a key code upon its reproduction from the recording medium. In addition, according to the present invention the main information which is recorded onto the recording medium is disabled after having been reproduced. Such features are clearly not taught or suggested by McWhirter.

Thus, McWhirter fails to teach or suggest that the reproduction management means is provided with a reproduction disabling means for

disabling operation of the main information reproducer, wherein the reproduction disabling means includes decision means for deciding whether the reproduction disabling function of the reproduction disabling means is normal, and a reproduction start refusing means for refusing a reproduction start command requesting start of an operation for reproducing the main information, when the decision means decides that the reproduction disabling means is abnormal as recited in the claims.

Therefore, McWhirter fails to teach or suggest the features of the present invention as now more clearly recited in the claims and as such does not anticipate nor render obvious the claimed invention. Accordingly, Applicants submit that McWhirter does not anticipate nor rendered obvious the claimed invention.


The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1-4.

In view of the foregoing amendments and remarks, Applicants submit that claims 2-5 are in condition for allowance. Accordingly, early allowance of the present application based on claims 2-5 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.33506CX6).

Respectfully submitted,

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